

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY SV
DEPUTY

JOHNNY SATURN,
PLAINTIFF,

V.

AUSTIN BERGSTROM
INTERNATIONAL AIRPORT,
DEFENDANT.

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CAUSE NO. 1:20-CV-442-LY

ORDER

Before the court in the above-styled and numbered cause are *pro se* Plaintiff Johnny Saturn's Third Amended (sic) Complaint – Civil Action filed September 28, 2020 (Doc. #29) and Motion for Default Judgment filed December 4, 2020 (Doc. #32). Having considered the motion, the case file, and applicable law, the court will deny the motion and strike the amended complaint.

On May 18, 2020, the court signed an order dismissing this case with prejudice (Doc. #10) and issued a final judgment (Doc. #11). Saturn's motion is, in effect, a motion for reconsideration which is considered under Federal Rule of Civil Procedure 59(e). *See, e.g., Austin v. Kroger Tex., L.P.*, 864 F.3d 326, 336 (5th Cir. 2017) ("Rule 59(e) governs motions to alter or amend a final judgment.").

This is Saturn's third attempt to overturn the results of the case. First, on June 8, 2020, the court signed an order (Doc. #17) denying a motion to amend the order and judgment and striking an amended complaint. Second, on September 14, 2020, the court signed an order (Doc. #24) denying a motion for default judgment and striking an amended complaint. Also in that order, the court directed the clerk to mail a copy of the order adopting the report and recommendation of the magistrate judge (Doc. #10) and the final judgment (Doc. #11) to Saturn via U.S. certified mail return receipt requested. Saturn received both on September 18, 2020 (Doc. #28).

After considering the evidence and arguments presented by Saturn, the court maintains that no new evidence or arguments that have been presented that might create a genuine dispute of material fact regarding the order dismissing the case as frivolous under 28 United States Code Section 1915(e)(2). “But under even the most liberal construction, Plaintiff [Saturn] alleges implausible and clearly baseless claims against the Defendants. Because Plaintiff [Saturn] has made only fanciful, fantastic, and delusional allegations, his Complaint should be dismissed as frivolous.” *See Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992)(citing *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989)).

Accordingly, similar to the June 8, 2020 and September 14, 2020 orders, the court will once again deny Saturn’s default judgment motion and strike Saturn’s amended complaint.

IT IS ORDERED that Saturn’s amended complaint (Doc. #29) is **STRICKEN**.

IT IS FURTHER ORDERED that Saturn’s default judgment motion (Doc. #32) is **DENIED**.

SIGNED this 15th day of December, 2020.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE